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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,085	09/08/2003	Paul J. Waszkowski	28679/04589	2084
24024	7590	02/09/2005	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114				LAI, ANNE VIET NGA
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/605,085	WASZKOWSKI, PAUL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anne V. Lai	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13 and 15-23 is/are rejected.  
 7) Claim(s) 14 and 24 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-2, 4, 8-9, 11, 15-16 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by **Fogg et al** [US. 5,337,236].

Regarding claims 1, 8 and 15, **Fogg et al** disclose a system and a method for mileage communication for a vehicle comprising:

a user interface device (keyboard 52; figs. 1-2) capable of generating a request signal;

a processing unit (microcomputer 40) capable of calculating cumulative mileage of the vehicle and encoding the cumulative mileage into a code in response to the request signal (col. 1, line 48 through col. 2, line 45; claim 6); and

an output device (display 12, printer 48) in circuit communication with the processing unit and capable of communicating the cumulative mileage in the form of a signal in response to the code (claim 8).

Regarding claims 2, 9, and 16, **Fogg et al** system processes data in digital code, it is inherent the digital coded data comprises only digits 0 and 1 or ON-OFF signal.

Regarding claims 4, 11 and 19, **Fogg et al** disclose the output device comprises a visual output (12; figs. 1-2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,10 and18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fogg et al** in view of **Chang et al** [US. 5,602,563].

Regarding claims 3, 10 and 18, **Fogg et al** do not specify the processing unit truncates the mileage prior to generating the code, however in common practice a user can select to display an output with number truncated such as display an output in whole digit without the fraction. **Chang et al** teach a method and a system for displaying data in a panel with output fields insufficient long to display the data wherein some parts of the data being truncated (figs. 4-7). It would have been obvious to one having ordinary skill in the art at the time of the invention was made when the output field is insufficient long to display the data, part of the data can be truncated without affecting the meaning of the data displayed as long as the user know how to interpret the output.

5. Claims 5, 12, 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fogg et al** in view of **McCann et al** [US. 6,343,844].

Regarding claims 5, 12 and 20, **Fogg et al** do not disclose the visual output device comprises a trailer ABS warning light; **McCann et al** teach a trailer ABS system for sensing wheel speed, wherein under user request (switch 56), a micro processor 38

analyzes measured data and output the analyzed result by flashing light in predetermined patterns (abstract; figs. 2 and 4). It would have been obvious to one having ordinary skill in the art at the time of the invention was made an output device may be selected based on the type of application and the type of user; for an ordinary vehicle driver, a character display output device is easier to read; for a professional driver (towing trailer, etc.), a smaller and simpler output warning device is preferred for its reduced occupying space and reduced cost.

Regarding claim 17, **Fogg et al** and **McCann et al** do not specify the encoded numeral zero is represented in the ON-OFF code by strobe signal, however it would have been obvious to one having ordinary skill in the art at the time of the invention was made the flashing pattern output representing a code can be setup based on designer choice.

Regarding claim 23, **Fogg et al** (42, fig. 2) and **McCann et al** (fig. 4) disclose wheel speed sensors providing wheel speed information to the microprocessor, and **Fogg et al** specify the microprocessor calculate the traveled distance based on the wheel speed information (col. 2, lines 15-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made the mileage communication concept of **Fogg et al** can be applied to **McCann et al** trailer using the existing wheel speed sensor and microprocessor of the trailer to calculate the traveled distance therefore provide cost saving.

6. Claims 6, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fogg et al** in view of **Horie** [US. 5,748,076].

Regarding claims 6, 13, and 21, **Fogg et al** do not disclose the output is audible.

**Horie** teaches a meter display for vehicle comprising visual and audible output signal (abstract; col. 3, lines 5-17). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement the Horie audible output to the **Fogg et al** communication system for enhancing the communication with the user handicapped in vision or hearing.

### ***Conclusion***

7. Claims 7 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Horie** discloses an apparatus for alarming the abnormality of tire air pressure.

[US. 5,844,475]

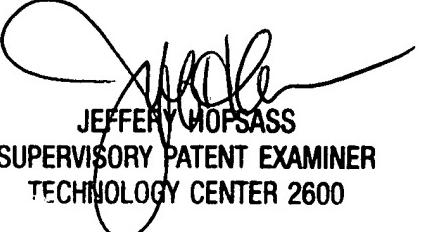
- Politz et al** disclose a data communication device for a vehicle towed by a motor vehicle. [US. 5,900,803]
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. V. Lai  
February 4, 2005



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